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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,630	05/11/2001	Andrew Strawn	367.40103X00	5351

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EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2683

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DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/852,630

Applicant(s)

STRAWN ET AL.

Examiner

Marcos L Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Weadon (6,226,501) in view of Harms.

As to claims 1 and 7, Weadon discloses an electronic radiotelephone comprising a first and second housing for housing the electronic components of the radiotelephone (see abstract); the first housing having a element with an operating surface and a formation arranged to co-operate with a complementary formation on the second housing for attaching the first housing to the second housing (see fig. 4b); the element being movable between a first and a second position (see col. 4, lines 10-19); the element being resiliently biased into the first position and arranged to allow a user to urge the element, via the operating surface (see col. 4, lines 20-31). Weadon do not specifically disclose for releasably attaching the first housing to the second housing; the element being movable between a first and a second position such that when the element is in the first position the formation and complementary formation are arranged to co-operate to allow the first housing to be coupled to the second housing and when in the second position allow the second housing to be removed from the first housing; or allowing the second housing to be removed from the first housing without interference from the element. Harms discloses an electronic radiotelephone comprising a first and second housing for housing the electronic components of the radiotelephone for releasably attaching the first housing to the second housing (see abstract); the element being movable between a first and a second position such that when the element is in the first position the formation and complementary formation are arranged to co-operate to allow the first housing to be coupled to the second housing and when in the second position allow the second housing to be removed from the first housing; or allowing the second housing to be removed from the first housing without interference from the

element (see col. 1, line 63 - col. 2, line 11). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the Weadon and Harms teachings for the simple purpose of having an easy to change to cover.

As to claim 2, Weadon discloses a radiotelephone wherein the first housing is presented away from a user during operation of the radiotelephone and the second housing is presented towards a user during operation of the radiotelephone (see fig. 1).

As to claim 3 and 6, Weadon discloses a radiotelephone further comprising retaining means for retaining the electronic components of the radiotelephone to the first and second housing (see fig. 3, 4c).

As to claim 4, Harms discloses a radiotelephone wherein the second housing has a lip for engaging with the element to allow the first housing to be coupled to the second housing (see fig. 3).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weadon (6,226,501) in view of Harms as applied to claims 1-4, 6 and 7 above, and further in view of Weadon (5,507,013).

As to claim 5, Weadon and Harms disclose everything claimed as explained above except for a radiotelephone wherein the element is a flexible hinge. Weadon discloses a radiotelephone wherein the element is a flexible hinge (see col. 9, lines 21-22). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add these teachings to the modified Weadon and Harms system for easier opening and closing of the cover.

6. Claims 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Weadon (6,226,501) in view of Harms as applied to claims 1-4, 6 and 7 above, and further in view of Murray.

As to claims 8 and 9, Weadon and Harms disclose everything claimed as explained above except for a radiotelephone wherein comprising a spring associated with the first and second housing and arranged to be compressed when the first and second housings are coupled. Murray a radiotelephone wherein comprising a spring associated with the first and second housing and arranged to be compressed when the first and second housings are coupled (see col. 10, lines 10-12). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add these teachings to the modified Weadon and Harms system for easier opening and closing of the cover.

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weadon (6,226,501) in view of Harms as applied to claims 1-4, 6 and 7 above, and further in view of Guzik.

As to claims 10 and 11, Weadon and Harms disclose everything claimed as explained above except for a radiotelephone wherein the means for urging comprises a rubber seal associated with the first and second housing and arranged to be compressed when the first and second housings are coupled. Guzik a radiotelephone wherein the means for urging comprises a rubber seal associated with the first and second housing and arranged to be compressed when the first and second housings are coupled (see col. 1, lines 27-29). Therefore, it would have been obvious to one of

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the ordinary skill in the art at the time of the invention to add these teachings to the modified Weadon and Harms system for the simple purpose of protecting the internal parts of the device.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Harris U.S. Patent US006118986A
- b. Kim U.S. Patent US006397078B1
- c. SanGiovanni U.S. Publication US 20020102946A1
- d. Kim U.S. Publication US 20020039890A1
- e. MacDonald Jr. U.S. Patent US006430400B1

Any response to this Office Action should be mailed to:

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For formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA  
Sixth Floor (Receptionist)


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on 703-305-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Marcos L Torres  
Examiner  
Art Unit 2683



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Mlt